(1)

Supreme Court, U.S.
FILED

NO. 961761 FEB 27 1997

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1996

JEAN ROSENBAUM,
Petitioner, acting Pro Se,
vs.
RICHARD ROSENBAUM, and
ANN P. ROSENBAUM,
Respondents.

ON PETITION FOR WRIT OF CERTIORARI
to the
APPELLATE COURT OF ILLINOIS,
First District.

PETITION FOR WRIT OF CERTIORARI

Jean Rosenbaum, Pro Se
1354 West Greenleaf Street
Chicago, Illinois 60626
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42 pp.

QUESTIONS PRESENTED FOR REVIEW

1. Whether the Permanent Injunction Order with its Modification Order entered and affirmed by the Illinois Courts violate the United States Constitution and the Illinois Constitution?

2. Whether the United States Constitution permits a Court of Law to oppress a citizen by applying a non-existent State Statute and obsolete decisions to his/her cause?

3. Whether JEAN ROSENBAUM, Petitioner, acting Pro Se (hereinafter referred to as JEAN or MOTHER), is entitled to have the Permanent Injunction Order and its Modification Order entered against her vacated because of the mootness that developed in the United States Supreme Court in the prior appeal(s), and for other reasons?

PARTIES TO THE PROCEEDING.

In the Illinois trial court, RICHARD and ANN were the Plaintiffs, and JEAN, the Mother of RICHARD and mother-in-law of ANN, was the Defendant, acting Pro Se. In the Appellate Court of Illinois, First District, MOTHER was the Appellant, and RICHARD and ANN the Appellees. In the Supreme Court of Illinois, RICHARD and ANN were the Respondents, and JEAN, the Mother, the Petitioner, acting Pro Se.

TABLE OF CONTENTS

Page(s)

Questions Presented for Review i
Parties to the Proceeding ii
Table of Contents . . . . . iii-iv
Table of Authorities . . . . . v-vi
Official Reports of Opinions 1
Basis for Jurisdiction 1
Constitutional Provisions and
Statutes 2-3
Statement of the Case 3-7
Argument 8-11
Petitioner's Affidavit . . . . . End
Appendix A.1-A.22

Table of Contents, Appendix
Appendix A. September 30, 1985,
Permanent Injunction Order entered
by Circuit Court of Cook County,
Illinois. A.1-A.3
Appendix B. October 16, 1987,
Order modifying Permanent Injunction. A.4-A.5
Appendix C. July 30, 1996,
Summary Order entered by Appellate
Court of Illinois, First District. A.6-A.8
Appendix D. August 27, 1996,
Appellate Court Order denying JEAN'S
Petition for Rehearing. A.9

Page(s)

Appendix E. December 4, 1996, Illinois Supreme Court Order denying Petition for Appeal. A.11

Appendix F. January 16, 1997, Illinois Supreme Court Order denying JEAN'S Motion for Leave to file a motion for reconsideration of the order denying Petition to appeal as a matter of right or petition for leave to appeal. A.11

Appendix G. Illinois Injunction Statute, 1985 to present, Ill. Rev. Stat. Ch. 110, Pars. 11-101--110, or 735 ILCS, 5/11-101--5/11-110; Pertinent Part. A.12-A.16

Appendix H. Excerpt from JEAN'S Appellate Court Petition for Rehearing A.17

Appendix I, December 20, 1996, JEAN's Motion for leave to file "Motion for Reconsideration of Denial of Petition for Appeal," with attached Motion for Reconsideration. A.18-A.22

TABLE OF AUTHORITIES.

Page(s)

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Bowen v. Kizer (1988),
485 U.S. 386, 108 S.Ct. 1200,
99 L.Ed. 2d 402. 10

Frank v. Minnesota Newspaper
Association, Inc. (1989)
490 U.S. 225, 109 S.Ct. 1734,
104 L.Ed. 2d 264. 10

I.N.S. v. Chadha (1983), 462
U.S. 919, 103 S.Ct. 2764,
77 L.Ed. 2d 317. 9

Reves et al v. Ernst & Young
(1993), 507 U.S. 170, 113
S.Ct. 1163, 122 L.Ed. 2d 525. 9

U.S. v. Clark, et al (1982),
454 U.S. 555, 102 S.Ct. 805
70 L.Ed. 2d 768. 8

ILLINOIS CASES

Burke v. 12 Rothschild (1992),
148 Ill. 2d 429, 593 N.E.
2d 522. 9

People v. Palmer (1992), 148 Ill.
2d 70, 592 N.E. 2d 940. 9

Steinfeld, In re Estate of (1994)
158 Ill. 2d 1, 630 N.E. 2d 801. 9

Page(s)

United States Constitution:

Article I, Section 1. . . . . 3, 9

Article III. 3

Amendment IX. 4, 10

Amendment XIV, Section 1. . . . . 4, 10

Illinois Constitution:

Article I, Section 2. . . . . 4, 10

Article I, Section 24. . . . . 4, 10

Article II, Section 1. . . . . 3, 9

PETITION FOR WRIT OF CERTIORAL

OFFICIAL REPORTS OF OPINIONS, ETC.

The Appellate Court of Illinois, First District, entered no Opinion in this appeal, but only the Summary Order entered July 30, 1996, that has not been reported anywhere, to best of knowledge. In an earlier appeal, the Appellate Opinion is reported thusly: Richard Rosenbaum and Ann P. Rosenbaum, Plaintiffs-Appellees, v. Jean Rosenbaum, Defendant-Appellant (First Dist. 1989), 184 Ill. App. 3d 987, 541 N.E. 2d 872.

BASIS FOR JURISDICTION IN THIS COURT

The Appellate Court's SUMMARY ORDER, for which review is sought, was entered July 30, 1996. On August 27, 1996, MOTHER's timely-filed PETITION FOR RE-HEARING was denied, Appendix D.

MOTHER timely-filed an AFFIDAVIT OF INTENT in Appellate Court, and then a timely Petition for Appeal in the Supreme Court of Illinois, which was denied on December 4, 1996, (Appendix B), by the Illinois Supreme Court. This Petition for Certiorari was mailed for filing within 90 days of that date, and then returned for printing corrections, etc. An additional 60 days was allowed from March 6, 1997, for official filing, and has been fulfilled.

This Court has jurisdiction pursuant to 28 USC §1257(a), it is believed.

CONSTITUTIONAL PROVISIONS AND STATUTES.

United States Constitution, (Pertinent Portions)

Article I, Section 1. All legislative powers herein granted shall be vested in a Congress of the United States.

Article III, Section 2. The Judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their authority;

Amendment IX. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment XIV, Section 1. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Illinois Constitution

Article I, Section 2. No person shall be deprived of life, liberty or property without the due process of law nor be denied the equal protection of the laws.

Article I, Section 24. The enumeration of this Constitution of certain rights shall not be construed to deny or disparage others retained by the individual

citizens of the State.

Article II, Section 1. The legislative, executive and judicial branches are separate. No branch shall exercise powers properly belonging to another.

Statute.

Illinois Injunction Act. Illinois Revised Statutes (1985 and prior, to the present) Ch. 110, Pars. 101-110, or 735 ILCS. 5/11-101--5/11-110, Appendix, A.14-A.16. (Renumbering of the Statute has recently occurred).

STATEMENT OF THE CASE

The MOTION FOR CLARIFICATION OF PERMANENT INJUNCTION ORDER ENTERED SEPTEMBER 30, 1995, AND ITS MODIFICATION ORDER ENTERED OCTOBER 26, 1987 AND, IF POSSIBLE, TO DISSOLVE, VOID OR VACATE BOTH ORDERS UNDER PRESENT LAW, initially filed by MOTHER in trial court, on page (5), (Record C.20), introduced the United States Constitution, Article III, by citing a case that ruled the U. S. Supreme Court cannot accept a case that has become moot (she claimed that mootness had developed in the prior case presented to that Court in a Petition for Certiorari). Trial court denied the motion (Record, C.51). Appellate Court's Summary Order affirmed. Appendix C, A.10.

The United States Constitution, Article I, Section 1, and the Illinois Constitution, Article II, Section 1, giving

only the Federal and State legislatures the power to make legislation, were pleaded in MOTHER'S MOTION FOR RECONSIDERATION OF DENIAL OF PETITION FOR APPEAL AS A MATTER OF RIGHT, OR IN THE ALTERNATIVE, PETITION FOR LEAVE TO APPEAL, Appendix I, A.23, attached to her MOTION FOR LEAVE TO FILE MOTION FOR RECONSIDERATION, Appendix I, A.19, presented to the Illinois Supreme Court. The Motion for Leave to file was denied, which automatically denied the MOTION FOR RECONSIDERATION, Appendix F, A.13.

The United States Constitution, Amendment IX, and the Illinois Constitution, Article I, Section 24, granting all citizens retained rights, were presented in MOTHER'S PETITION FOR APPEAL to the Supreme Court of Illinois, on page (14), which that Court denied, Appendix E.

The United States Constitution, Amendment XIV, Section 1, and the Illinois Constitution, Article I, Section 2, that mandate due process and equal protection of law for citizens, are strongly implied throughout MOTHER'S initially-filed MOTION FOR CLARIFICATION (Record, C.17-C.22), [1] in which she asked that the Injunctions be vacated. The motion was denied by trial

[1] All references to the Record refer to the trial court Record filed in the Appellate Court.

court, and its decision affirmed by Appellate Court, Appendix C, A.10.

Background

This case has been appealed before, and then presented to the United States Supreme Court in a Petition for Writ of Certiorari (denied), but NEVER on the ground now presented, that the Illinois Injunction Statute, Appendix G, A.14-16, does not authorize the entry of a permanent injunction.

In about 1985, MOTHER received a loud verbal report at a function of RICHARD'S violent death or dismemberment. Unable to reach him at home she telephoned him at his job, without success, and then called his attorney, EDWARD A. BERMAN, and asked him to make an appointment for her to see her son, for reassurance. Instead, shortly thereafter the injunction Complaint was filed against her, with RICHARD and his wife, ANN, as Plaintiffs.

In 1985, the Circuit Court of Cook County, Illinois, entered a Permanent Injunction order against her preventing her from telephoning RICHARD or ANN at their home or jobs. It required the Son to telephone his MOTHER at stated intervals, and to see her once a year, etc. Appendix A, A.3. MOTHER did not violate any of the terms. but in 1987 another Judge eliminated the requirements for Son, Appendix B, A.5-6. Appeal failed.

When the prior Petition for Writ of Certiorari was denied, MOTHER soon returned to the State trial court, with a MOTION FOR CLARIFICATION OF PERMANENT INJUNCTION ORDER ENTERED SEPTEMBER 30, 1985, AND ITS MODIFICATION ORDER ENTERED OCTOBER 26, 1987, AND IF POSSIBLE, TO DISSOLVE, VOID OR VACATE BOTH ORDERS UNDER PRESENT LAW (Record, C.16-35). Ten years had passed. She explained that in the United States Supreme Court, the case had become moot because neither ANN or RICHARD, who, by then, were divorced, appeared or filed anything. A new Judge, to whom the case was assigned, denied the MOTION FOR CLARIFICATION, for lack of subject matter and personal jurisdiction over Plaintiffs, Appendix C,A.7. MOTHER'S Post-Trial Motion expressed her belief the Court still had limited jurisdiction (Record, C.62), and she asked for a default Order against the Plaintiffs because of their non-appearance and non-representation. DENIED. MOTHER then filed a MOTION FOR ADJUDICATION ON UNRESOLVED ISSUES (Record C.65), and cited specifically -- if a parent has the legal right to investigate the report of an adult child's death or serious injury; all DENIED. The Appellate Court affirmed all the trial court decisions in its Summary Order, Appendix C, A.10. Illinois Supreme Court DENIED the Petition for Appeal, and MOTHER'S MOTION FOR LEAVE TO FILE A

MOTHER'S MOTION FOR LEAVE TO FILE A MOTION FOR RECONSIDERATION.[2]

MOTHER'S Appellate PETITION FOR REHEARING pointed out overlooked subject matter, including the fact that Plaintiffs did not appear and were not represented, and that Appellate Court did not rule on the issue -- if a parent has the right to investigate the report of an adult child's death or serious injury. DENIED.

[2]The Illinois Supreme Court does not allow a Petition for Rehearing after the denial of a Petition for Appeal. One can only file a Motion for Reconsideration of the denial, but first must secure leave to file (another motion).

ARGUMENT

The Permanent Injunction entered against MOTHER was originally entered in 1985, and modified later in 1987, so that she can no longer see or talk to Son, RICHARD, on her own initiative.

The Illinois Injunction Statute reads identically from 1985 (and earlier) to the present, Appendix G. Nowhere in the Statute does it refer to or allow a Permanent Injunction. Until recently MOTHER was unaware of this, relying on the verbal and written statements of the Court(s), and pleadings of Son's attorney, EDWARD A. BERMAN.

In earlier years, the Injunction Act, Ill. Rev. Stat. (1957), Ch. 69, makes specific mention of the word "injunction," and does not separate the meaning of the word into "temporary," "permanent," etc., or limit the application of word to "temporary" or "permanent" injunction. A body of case law developed under this concept, which the Courts have continued to recognize despite the change in the wording of the Act. The present Injunction Statute recognizes only the existence of a "temporary" restraining order, or a "preliminary" injunction. "If statutory language is clear, it is ordinarily conclusive," U.S. v. Clark (1982), 454 U.S. 555, 560, 102 S.Ct. 805, 70 L.Ed. 2d 768. "Statute's unambiguous language must ordinarily be regarded as conclusive, in absence of clearly expressed legislative intent to the

contrary." Reves et al v. Ernst & Young (1993) 507 U.S. 170, 177, 113 S.Ct. 1163, 122 L.Ed. 2d 525. "A court is not free to rewrite legislation or ignore an express requirement of a statute, "People v. Palmer (1992), 148 Ill. 2d 70, 88, 592 N.E. 2d 940. "Omissions from a statutory list are inferred to be exclusions even without any words of limitation," Burke v. 12 Rothschild (1992), 148 Ill. 2d 429, 442, 593 N.E. 2d 522.

The omission of the words "permanent injunction," therefore, is an authorized exclusion, and such an injunction is not recognized. The courts have exceeded their jurisdiction by entering one in this case, and Appellate Court erred by affirming it. "An order is void if the court lacks inherent power to enter it, or jurisdiction over the parties or subject matter is absent," In re Estate of Steinfeld (1994), 158 Ill. 2d I, 12, 630 N.E. 2d 801. Neither trial court of Appellate court had jurisdiction to authorize the Permanent Injunction, and should have voided it, under applicable law.

By using a "manufactured" version of the Injunction Act, the Illinois Courts have intruded into the Legislative Department of government. This is unconstitutional, both under the United States Constitution, Article I, Section 1, and the State of Illinois Constitution, Article II, Section 1. "Fact that a given law or procedure is efficient, convenient, and useful in facilitating functions of government standing alone, will not save it if it is contrary to the Constitution," I.N.S. v. Chadha (1983)

462 U.S. 919, 944, 103 S.Ct. 2764, 77 L.Ed. 2d 317.

IN THE MOTION FOR CLARIFICATION, MOTHER called to the attention of the trial court that in an earlier case involving a Petition for Certiorari filed in the U.S. Supreme Court, No. 89-1068, the case had become moot because of RICHARD's and ANN's non-appear-or representation. She cited Frank v. Minnesota Newspaper Association, Inc. (1989), 490 U.S. 225, 227, 109 S.Ct. 1734, 104 L.Ed. 2d 264, to substantiate her claim that the legal concept that in a case from a Federal Court which has become moot in the U.S. Supreme Court, it should be remanded below to vacate and dismiss the judgment. If the case is from a State Court, one must return to the State Court for this process. Also see: Bowen v. Kizer (1988), 485 U.S. 386, 387, 108 S.Ct. 1200, 99 L.Ed. 2d 402. She strongly implied that she was being denied due process and equal protection of the law, United States Constitution, Amendment XIV, Illinois Constitution, Article I, Section 2, because she had been denied this process. Under both Constitutions, she presently expresses a retained right to have the identical process applied to her cause in this case, U.S. Constitution, Amendment IX, Illinois Constitution, Article I, Section 24.

On June 22, 1995, MOTHER filed in trial court a MOTION FOR ADJUDICATION ON UNRESOLVED ISSUES OF UTMOST IMPORTANCE, DENIED. This negates the trial Court's position, expressed in the

Appellate SUMMARY ORDER, Appendix C, A.7-8, "that it lacked jurisdiction because the cause had been fully litigated and all appeals had been exhausted." The most important matter still remaining unresolved is --

> "if a parent has the legal right to investigate the report of an adult child's death or serious injury?"

By not ruling on the subject, and affirming the trial court's decision(s), the Appellate Court eliminated the question from the case.

As the Permanent Injunction Order and its Modification Order were entered without statutory and Constitutional authorization, they should be voided and/or vacated. The decisions used by the Courts to justify the injunctions are obsolete decisions, entered under the prior law. The issue of mootness also applied to justify MOTHER's request.

WHEREFORE, it is prayed that this PETITION FOR WRIT OF CERTIORARI to the Appellate Court of Illinois, First District, be allowed, as the Illinois Appellate Court has evaded decisions on important questions of federal law that appear not to have been fully settled, by this Court, but should be.

Respectfully submitted,

Jean Rosenbaum

JEAN ROSENBAUM, Petitioner
acting Pro Se.

DATED: May 2. 1997

See copy marked "notarized copy" for original signatures.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS, COUNTY DEPARTMENT, CHANCERY DIVISION

RICHARD ROSENBAUM and	)	
	)	
ANN P. ROSENBAUM	)	COPY
	)	
Plaintiffs,	)	
	)	
vs.	)	NO. 85 CH 5525
	)	
JEAN ROSENBAUM,	)	Entered
	)	September 30, 1985
Defendant.	)	

PERMANENT INJUNCTION ORDER

THIS CAUSE coming on for hearing on the complaint for injunctive relief and damages filed by Plaintiffs, Richard Rosenbaum and Ann P. rosenbaum, and the answer thereto of defendant, Jean Rosenbaum, mother of Richard Rosenbaum and mother-in-law of Ann P. Rosenbaum, and the Court having heard evidence including the testimony of Richard Rosenbaum, plaintiff, and Jean Rosenbaum, defendant, and examining written evidence, and having heard arguments of counsel and defendant, pro se, and being fully advised in the

premises;

DOTH FIND, that a permanent injunction shall issue in favor of plaintiffs and against defendant; that plaintiffs have no adequate remedy at law;

IT IS THEREFORE ORDERED AND ADJUDGED that:

1. Defendant is temporarily and permanently enjoined from verbally contacting plaintiffs, except as provided herein below.

2. Defendant is temporarily and permanently enjoined from telephoning the plaintiffs at their places of employment or home and from visiting either of them at their places of employment or home.

3. Defendant may communicate with plaintiffs by written correspondence and plaintiff Richard Rosenbaum shall supply defendant with any new home address he may incur for the forwarding of mail, by six months thereafter.

4. Plaintiff Richard Rosenbaum shall telephone defendant no less than once very three months, which telephone conversation by Richard shall extend for no less than one minute.

5. At least once each year, starting on or about September 26, 1986, Richard Rosenbaum and defendant shall meet in person at a neutral place to be agreed upon, with arrangements to be made through Edward A. berman or one of defendant's other children.

6. This permanent injunction shall issue for good

cause shown and without bond.

7. The Court retains jurisdiction for purpose of enforcing the provisions contained herein.

S/JUDGE BENJAMIN MACKOFF.
September 30, 1985.

Attorney: Edward A. Berman.
Berman, Roberts & Kelly.
35 East Wacker Drive.
Suite 3400.
Chicago, Illinois 60601.
345-4585 (312).

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS, COUNTY DEPARTMENT, CHANCERY DIVISION.

RICHARD ROSENBAUM and	)	COPY
	)	
ANN P. ROSENBAUM,	)	ENTERED
	)	October 26, 1987
Plaintiffs,	)	T. O'BRIEN
	)	
vs.	)	85 CH 5526
	)	
JEAN ROSENBAUM,	)	
	)	
Defendant,	)	
acting Pro Se.	)	

ORDER

This cause coming on upon motion to reconsider and other motions, and the court having heard arguments of counsel and being fully advised,

IT IS ORDERED (1) that plaintiff's motion to reconsider is denied; (2) defendant's motions and notices for production of documents and interrogatories are denied and stricken; (3) defendant's motion for rule to show cause is denied, and the paragraphs 4 and 5 of the Permanent Injunction Order of September 30, 1985, are

vacated and held for naught.

October 26, 1987

S/THOMAS O'BRIEN (Judge)

Attorney: Berman, Roberts & Kelly.
35 East Wacker Drive, #3400.
Chicago, Illinois 60601.
346-4585.

APPENDIX C

No. 1-94-2706

IN THE COPY
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

RICHARD ROSENBAUM and	) Appeal from the
	) Circuit Court
ANN P. ROSENBAUM,	) of Cook County.
	)
Plaintiffs-Appellees,	)
	) No. 85 CH 5526
vs.	)
	)
JEAN ROSENBAUM,	) Honorable
	) Ellis B. Reid,
Defendant-Appellant.	) Judge Presiding.

SUMMARY ORDER

Defendant, Jean Rosenbaum, appeals pro se from the denial of her motions to compel plaintiffs' former attorney to reveal plaintiffs' current addresses and to clarify or, alternatively, vacate a permanent injunction enjoining defendant from telephoning plaintiffs at their homes or places of employment. The trial court denied the motions on the basis that it lacked jurisdiction because the cause had been fully litigated and all

appeals had been exhausted. See Rosenbaum v. Rosenbaum, 184 Ill. App. 3d 987 (1989); Rosenbaum v. Rosenbaum, No. 1-91-1811 (1st Dist. September 28, 1993) unpublished order pursuant to Supreme Court Rule 23). Defendant appeals, contending that the court erred in denying her motion to clarify or vacate the permanent injunction on the basis that it lacked jurisdiction. She also argues that Illinois law does not provide for a permanent injunction. Although appellees have not filed a brief, we will consider the appeal pursuant to the principles set forth in First Capitol Mortgage Corp. v. Talandis Construction Corp., 63 Ill. 2d 128, 131 (1976).

A permanent injunction is designed to extend or maintain the status quo indefinitely after a hearing on the merits where it has been shown that the plaintiff is suffering irreparable harm and that there is no adequate remedy at law, American National Bank and Trust Co. of Chicago v. Carroll, 122 Ill. App. 3d 868, 881 (1984). The trial court retains jurisdiction to enforce, modify or dissolve an injunction regardless of an express reservation of jurisdiction. City of Chicago v. Pago, 188 Ill. App. 3d 482, 487 (1989). Its jurisdiction, however, is limited to determining whether changes in the applicable law or facts since the rendition of the judgment warrant a modification of its terms. American Institute of Real Estate Appraisers of the National Association of Realtors v. National Real Estate Association, Inc.,

(1989), 191 Ill. App. 3d 867, 870.

An examination of defendant's motion for clarification or modification of the permanent injunction reveals that it set forth no allegations of a change in the applicable law or facts since the rendition of the judgment and was therefore properly denied by the trial court. See Bundy v. Church League of America, 125 Ill. App. 3d 800, 807 (1984). The judgment of the trial court is affirmed.

This order is entered in accordance with Supreme Court Rule 23 (c)(4). Official Reports Advance Sheet No. 15 (July 20, 1994), R. 23, effective July 1, 1994.

Affirmed.

SCARIANO, J., with HARTMAN, P.J., and DiVITO, J. concurring.

SECOND DIVISION

July 30, 1996

APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

RICHARD ROSENBAUM and	)	
	)	
ANN P. ROSENBAUM,	)	
	)	
Plaintiff-Appellees,	)	
	)	
v.	)	No. 95-2706
	)	
JEAN ROSENBAUM,	)	
	)	
Defendant-Appellant.	)	COPY

ORDER

It is hereby ordered that appellant's, pro se, petition for rehearing in the above-captioned case is DENIED.

S/PRESIDING JUSTICE ALLEN HARTMAN
S/JUSTICE ANTHONY SCARIANO
S/JUSTICE GINO L. DiVITO

ORDER ENTERED
August 27, 1996

ILLINOIS SUPREME COURT
JULEANN HORNYAK, CLERK
Supreme Court Building
Springfield, Illinois 62701
December 4, 1996

COPY

Ms. Jean Rosenbaum
1354 West Greenleaf St.
Chicago, IL 60626

No. 81923 - Richard Rosenbaum et al., respondents, v. Jean Rosenbaum, petitioner. Leave to Appeal, Appellate Court, First District.

The Supreme Court today DENIED the petition for leave to appeal as a matter of right or leave to appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on December 26, 1996.

SUPREME COURT OF ILLINOIS
Supreme Court Building
Springfield 62701
January 16, 1997

Ms. Jean Rosenbaum
1354 West Greenleaf St.
Chicago, IL 60626

COPY

THE COURT HAS TODAY ENTERED THE FOLLOWING ORDER IN THE CASE OF:

No. 81923 - Richard Rosenbaum et al., respondents, v. Jean Rosenbaum, petitioner.

Motion by petitioner, pro se, for leave to file a motion for reconsideration of the order denying petition to appeal as a matter of right or petition for leave to appeal. Motion denied.

The mandate has issued to the Appellate Court forthwith.

cc Mr. Richard Rosenbaum

Ill. Rev. Stat. (1985), 735 ILCS 5/11-101 et seq. or Chapter 110

ARTICLE XI. INJUNCTION

PART 1. IN GENERAL

11-101. Temporary restraining order

§ 11-101. Temporary restraining order. No temporary restraining order shall be granted without notice to the adverse party unless it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before notice can be served and a hearing had thereon. Every temporary restraining order granted without notice shall be indorsed with the date and hour of signing; shall be filed forthwith in the clerk's office; shall define the injury and state why it is irreparable and why the order was granted without notice; and shall expire by its terms within such time after the signing of the order, not to exceed 10 days, as the court fixes, unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the granting of the extension shall be stated in the written order of the court. In case a temporary restraining order is granted without notice, the motion for a preliminary injunction shall be set for

hearing at the earliest possible time and takes precedence over all matters except older matters of the same character; and when the motion comes on for hearing the party who obtained the temporary restraining order shall proceed with the application for a preliminary injunction and, if he or she does not do so, the court shall dissolve the temporary restraining order.

On 2 days' notice to the party who obtained the temporary restraining order without notice or on such shorter notice to that party as the court may prescribe, the adverse party may appear and move its dissolution or modification and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

Every order granting an injunction and every restraining order shall set forth the reasons for its entry; shall be specific in terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and is binding only upon the parties to the action, their officers, agents, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

Amended by P.A. 84-554, § 1, eff. Sept. 18, 1985.

11-102. Preliminary injunction

§ 11-102. Preliminary injunction. No court or judge shall grant a preliminary injunction without previous notice of the time and place of the application having been given the adverse party.

Amended by P.A. 84-282, § 1, eff. Jan. 1, 1986.

11-103. Bond

§ 11-103. Bond. The court in its discretion, may before entering a restraining order or a preliminary injunction, require the applicant to give bond in such sum, upon such condition and with such security as may be deemed proper by the court, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.

No such bond shall be required of any governmental office or agency.

A surety upon a bond or undertaking under Article XI of this Act submits to the jurisdiction of the court and irrevocably appoints the clerk of the court as the surety's agent upon whom any papers affecting the surety's liability on the bond or undertaking may be served. Such liability may be enforced on motion without the necessity of an independent action. The motion and such notice of motion as the court prescribes may be served on the clerk of the court who shall forthwith mail

copies to the persons giving the security if their addresses are known.

Amended by P.A. 83-707, § 1, eff. Sept. 23, 1983.

11-104. BOND BEFORE COURT OR CLERK

§ 11-104. Bond before court or clerk. The bond may be entered into before the court granting or ordering the injunction, or before the clerk of the court, if the court has approved the security.

11-105. Filing of bond

§ 11-105. Filing of bond. All bonds required by Article XI of this Act shall be filed with the clerk of the court who is to certify the injunctive order or judgment.

Amended by P.A. 83-707. § 1. eff. Sept. 23, 1983.

11-106. Injunctive relief on Saturday, Sunday or legal holiday

§ 11-106. Injunctive relief on Saturday, Sunday or legal holiday. When an application is made on a Saturday, Sunday, legal holiday or on a day when courts are not in session for injunctive relief and there is filed with the complaint an affidavit of the plaintiff, or his, her or their agent or attorney, stating that the benefits of injunctive relief will be lost or endangered, or irremediable damage occasioned unless such injunctive relief is

immediately granted, and stating the bases for such alleged consequence, and if it appears to the court from such affidavit that the benefits of injunctive relief will be lost or endangered, or irremediable damage occasioned unless such injunctive relief is immediately granted, and if the plaintiff otherwise is entitled to such relief under the law, the court may grant injunctive relief on a Saturday, Sunday, legal holiday, or on a day when courts are not in session; and it shall be lawful for the clerk to certify, and for the sheriff or coroner to serve such order for injunctive relief on a Saturday, Sunday, legal holiday or on a day when courts are not in session as on any other day, and all affidavits and bonds made and proceedings had in such case shall have the same force and effect as if made or had on any other day.

EXCERPT FROM MOTHER'S APPELLATE COURT "PETITION FOR REHEARING." Page 5 thereof, Paragraph 4.

"4. By affirming trial court's lack of jurisdiction, an ambiguous question at best, the Appellate Court has "squeezed out" of the case the highly important issue presented by MOTHER that appears in the Record on Appeal, contained in a MOTION FOR ADJUDICATION ON UNRESOLVED ISSUES OF UTMOST IMPORTANT on Page (2); namely, (R. C.67):

> "....it is asked that trial court rule on all issues left unresolved, including if a parent has the legal right to investigate the report of an adult child's death or serious injury."

The motion was denied (P. C.72); (no full litigation).

Instead of permitting the adjudication of the foregoing question, so important to the total welfare of parents and children alike, the Court has preferred to use the injunction law in American National Bank & Trust Company v. Carroll, (First Dist. 1984), 122 Ill. App. 3d 868, 881, 462 N.E. 2d 586. This is injunctive law that relates to sewers and infringement of water-lines; needless to say, it is not on point."

From: Petition for rehearing, filed August 20, 1996.

NO. 81923

IN THE SUPREME COURT OF ILLINOIS

RICHARD ROSENBAUM and	) On Petition for
	) Appeal as a Matter
ANN P. ROSENBAUM,	) of Right,
	) or in the
Plaintiffs-Appellees,	) Alternative,
	) for Leave to
Respondents,	) Appeal from the
	) Appellate Court
vs.	) of Illinois
	) First District,
JEAN ROSENBAUM,	) There Heard on
	) Appeal from the
Defendant-Appellant,	) Circuit Court
	) Cook County,
Petitioner, acting	) Illinois, Chancery
	) Division
Pro Se.	) COPY

MOTION FOR LEAVE TO FILE "MOTION FOR RECONSIDERATION OF DENIAL OF PETITION FOR APPEAL AS A MATTER OF RIGHT, or on the Alternative, PETITION FOR LEAVE TO APPEAL."

JEAN ROSENBAUM, Defendant-Appellant, Petitioner, acting Pro Se, respectfully requests leave of the Supreme Court of Ilinois to file the attached "MOTION FOR RECONSIDERATION OF DENIAL OF PETITION FOR LEAVE TO APPEAL." To substantiate this request, it is stated

On Page 14 of the PETITION FOR APPEAL, JEAN has cited the United States Constitution, Amendment IX, and the Illinois Constitution, Article I, Section 24. However, it appears that another Federal and State Constitutional factor has been overlooked by both JEAN and the Court, which is explained in the Motion, and justice requires its consideration.

WHEREFORE, it is requested that leave be granted to file the Motion for Reconsideration.

S/Jean Rosenbaum
Defendant-Appellant,
Petitioner, acting Pro Se.

Filed December 20, 1996.

APPENDIX I

NO. 81923

IN THE SUPREME COURT OF ILLINOIS

RICHARD ROSENBAUM and

ANN P. ROSENBAUM,

Plaintiffs-Appellees,

Respondents,

vs.

JEAN ROSENBAUM,

Defendant-Appellant,

Petitioner, Acting COPY

Pro Se.

MOTION FOR RECONSIDERATION OF DENIAL OF PETITION FOR APPEAL AS A MATTER OF RIGHT, OR IN ALTERNATIVE, PETITION FOR LEAVE TO APPEAL

JEAN ROSENBAUM, Defendant-Appellant, Petitioner, acting Pro Se, respectfully requests the Supreme Court of Illinois to reconsider its denial of her PETITION FOR APPEAL AS A MATTER OF RIGHT, OR IN THE ALTERNATIVE, PETITION FOR LEAVE TO APPEAL, which was denied by this Court on December 4, 1996. It is urgently requested that Reconsideration determine that justice requires the granting of the Petition, that prevents JEAN from seeing her son RICHARD on her own initiative by the entry of two injunctions. To substantiate this request, it is stated:

1. On page (14) of the original PETITION, JEAN has cited clauses from the United States Constitution and the State of Illinois Constitution, to support her statement that --

> "Neither Constitution permits or gives a court of law the right to oppress a citizen by the application of a non-existent Statute or law to his/her cause."

2. To the statement in foregoing Paragraph (1), JEAN, the MOTHER, adds: It is traditional in the government of our country that there is a separation of the powers of the Executive, Judicial and legislative branches of government. Several clauses in the United States Constitution follow this precept, and the Illinois Constitution even more clearly and explicitly says:

> "Article II, Section 1. The legislative, executive and judicial branches are separate. No branch shall exercise powers properly belonging to another."

3. By applying a non-existent statue to MOTHER's cause, the Courts have, in effect, intruded into the realm of the powers of the legislative branch of government in Illinois, which is unconstitutional. The integrity of our government requires that the injunctions entered under this non-existent statue, be vacated and/or voided.

WHEREFORE, it is pleaded that this MOTION FOR RECONSIDERATION be allowed.

S/JEAN ROSENBAUM
JEAN ROSENBAUM, Defendant-Appellant, Petitioner, acting Pro Se.

Submitted: December 20, 1996

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

AFFIDAVIT

I, JEAN ROSENBAUM, being first duly sworn upon oath, depose and state I am the Petitioner, acting Pro Se, in the aforestated cause, that I have read the foregoing PETITION FOR WRIT OF CERTIORARI TO THE APPELLATE COURT OF ILLINOIS, FIRST DISTRICT, including its APPENDIX, by me subscribed, that I know the contents thereof, and the same is true in substance and in fact,

Jean Rosenbaum

JEAN ROSENBAUM, Petitioner,
acting Pro Se.

Subscribed and sworn to before me,
a Notary Public of the State of
Illinois, County of Cook, this ____
day of _____, 1997.

_____
Notary Public

Jean Rosenbaum, acting Pro Se
1354 West Greenleaf Street
Chicago, Illinois 60626
973-6047 (773)